

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: Sumter County Special Master Re-Appointment and Retention Agreement

REQUESTED ACTION: approval of agreement

☐ Work Session (Report Only)

DATE OF MEETING: 9/8/2009

☒ Regular Meeting

☐ Special Meeting

CONTRACT: ☐ N/A

Vendor/Entity: Attorney Lee Hawkins

Effective Date: 10/1/2009

Termination Date: 9/30/2010

Managing Division / Dept:

County Administration

BUDGET IMPACT: \$10,800

☒ Annual

FUNDING SOURCE:

Professional Services

☐ Capital

EXPENDITURE ACCOUNT:

124-142-524-3100

☐ N/A

HISTORY/FACTS/ISSUES:

The Board of County Commissioners passed Ordinance No. 2008-02 on January 8, 2008 regarding appointment of Special Master to hear and adjudicate Code Enforcement cases in the County.

The agreement will include Code Enforcement cases within the City of Coleman. The agreement will include Code Enforcement cases within the City of Webster and Center Hill once an Interlocal Service Boundary Agreement is approved.

The County Administrator recommends Attorney Lee Hawkins be re-appointed as Special Master for Fiscal Year 09/10.

The Special Master will cover the following services

1. Attend all County Special Master Code Enforcement and Animal Code Enforcement Hearings.
 2. Adopt Rules for the conduct of his hearings.
 3. Subpoena alleged violators and witnesses to his or her hearings. (Subpoenas may be served by the Sheriff of Sumter County)
 4. Subpoena evidence to his or her hearings
 5. Take testimony under oath
 6. Issue findings of fact subsequent orders having the force of law to command whatever steps are necessary to bring a code violation into compliance.
-

SUMTER COUNTY SPECIAL MASTER
RE-APPOINTMENT AND RETENTION AGREEMENT

THIS AGREEMENT, made this 8th day of September, 2009, between the BOARD OF COUNTY COMMISSIONERS, SUMTER COUNTY, FLORIDA, hereafter called (the "County"), and R. LEE HAWKINS, JR., Attorney at Law, PO Box 97, Lake Panasoffkee, FL 33538, hereafter called "Attorney", is hereby entered into under the following circumstances and conditions:

WHEREAS, the Sumter County Board of County Commissioners passed Ordinance Number 2008-02 on January 8, 2008, and;

WHEREAS, Ordinance Number 2008-02 grants the Sumter County Administrator the power to appoint, re-appoint, and place under contract a Special Master to hear and adjudicate Code Enforcement cases in the County, and;

WHEREAS, the County Administrator has re-appointed Attorney as Special Master for the County ("Special Master") and;

WHEREAS, the County currently provides the Building Inspections Services for the City of Coleman and anticipates these services to remain consolidated within the interlocal service boundary agreement and;

WHEREAS, the Cities of Webster and Center Hill will consolidate their Building Inspections Services via the adoption of the interlocal service boundary agreements and;

WHEREAS, the consolidation of Building Inspections Services under the interlocal service boundary agreements also include the provision of code enforcement;

NOW, THEREFORE, based on the foregoing considerations and other good and valuable considerations, the parties agree as follows:

1. The WHEREAS clauses recited above are hereby recognized as true and incorporated as if stated herein.
2. The Attorney is hereby retained as Special Master under the terms of this agreement. All recitals above are recognized as true and adopted as if stated herein. The Attorney shall also serve as the Special Master for Animal Control Code Enforcement cases in the same manner as standard Code Enforcement Cases.

3. This Agreement shall be effective from October 1, 2009, through September 30, 2010, at which time the County Administrator shall make a determination as to whether or not the Special Master shall be re-appointed or removed. The County Administrator must give thirty (30) days notice to the Special Master of intent to remove, and the Special Master must give thirty (30) days notice to the County if he does not intend to seek re-appointment.
4. The County shall pay to the Special Master a monthly retainer of \$900.00 per month, payable at the end of each month. The monthly retainer shall cover unlimited hours of services rendered.

The monthly retainer set forth above shall cover the following services and obligations of the Special Master, who shall:

- a. Attend all County Special Master Code Enforcement and Animal Code Enforcement Hearings.
 - b. Adopt rules for the conduct of his hearings.
 - c. Subpoena alleged violators and witnesses to his or her hearings. (Subpoenas may be served by the Sheriff of Sumter County.)
 - d. Subpoena evidence to his or her hearings.
 - e. Take testimony under oath.
 - f. Issue findings of fact and subsequent orders having the force of law to command whatever steps are necessary to bring a code violation into compliance.
5. The Special Master shall be an independent contractor and shall not be considered an employee of the Board.
 6. The County shall provide clerical and administrative personnel as may be reasonably required by the Special Master for the proper performance of his duties, the level and expense of said requirement being determined and approved solely by the County Administrator.
 7. The parties agree that venue and jurisdiction for any dispute arising from this agreement shall only be in Sumter County, Florida.
 8. If any provision of this agreement is determined to be unenforceable by a court of competent jurisdiction, the remaining portions of this

agreement, where practically and functionally possible, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first written above.

SPECIAL MASTER

Print: _____

Date: _____

CHAIRMAN,
SUMTER COUNTY
BOARD OF COUNTY COMMISSIONERS

Print: _____

Date: _____

ATTEST: Gloria Hayward, Clerk of Court

Deputy Clerk: _____

Print: _____

Date: _____